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TO: Committee on Urban and Local Affairs

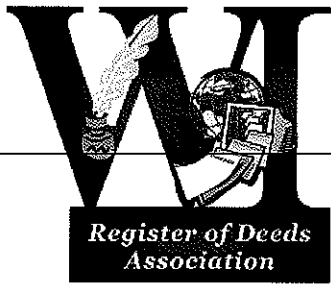
DATE: August 25, 2009

RE: **AB349, relating to limiting the searchability of governmental Internet listing of property taxes assess by the name of an individual.**

Listed below are important points that you should be aware of prior to voting on this bill.

- All persons are entitled to land information. At a public hearing in 2007 in reference to restricting access to CCAP records, Taylor County Judge Carlson stated testified as follows: "These are public records. These are the people's records. They're not mine. They're not yours. The people have paid for these records. They own them. They are their records." The same concept applies to land information records.
- Attorney General J.B. Van Hollen stated October 4, 2007 in the attached letter to the Assembly Committee on Corrections and Courts – it is "the public policy of this state that *all persons* are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them." The desire to make exceptions is understandable; but requests to withhold names should be made on a case by case basis; rather than by governmental bodies, whether at the State or Local level, deciding "for the public" what they will or won't "make public" of an "already public record". We should be working to make all public records easily and readily available in their entirety to the public – full governmental disclosure.
- Act 16 2001 revised the statutes to increase recording fees by \$1.00 to develop and maintain computerized indexing of the county's land information records in a manner that would allow greater public access via the Internet (Wi Statutes 59.72(5) (b) (3)) thereby creating a more efficient government. AB349 is counterproductive to the goal of efficient government due to the bills requirement of only listing property tax assessment information, parcel number or street address.

Counties rely on revenues generated by current online subscriptions. Furthermore, additional costs will be incurred by counties to modify the current on-line system to remove names. Additionally, our customers have come to rely on the efficiency and ease of accessing our on-line records. They are able to access records at their convenience, rather than relying upon our restrictive office hours.



Register of Deeds  
Association

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Tax parcel number formats and county personal information policies are not consistent throughout the state, and physical property addresses are not always available. Therefore, individuals will need additional assistance by making it necessary for them to either visit or call land related departments. Not only is this inconvenient for customers due to conflicting work hours, and additional expenses such as travel and long distance phone calls. It will increase phone calls and customer visits to county offices, which will take staff away from other important tasks within their department.

- The WRDA acknowledges the importance of respecting an individual's right to privacy, and has worked hard to protect our constituents by working to pass legislation which eliminates recording documents that include social security numbers. However, AB349 offers a false sense of security, as it does not provide any real privacy because information is still obtainable through other means which include, in person, by phone or other non-governmental internet sources.
- AB349 is open to interpretation as drafted such as:

What is the definition of "general public" – does the definition include people who work for title companies or other firms who currently pay for subscription service which currently allows them to search by name regardless if the access is set by county ordinance.

Will a penalty be imposed for those sites that may continue to provide search by name capabilities? Who is going to police the websites that are in operation?

In closing, I would like to say the decision whether or not to include the name search is one best left at the local level, not with sweeping legislation. Wisconsin Statutes currently allow "any requestor a right to inspect any record". If the search maintained in the government office, includes the owner's name and is accessible to the public, then the search on the Internet should contain the same information and also be accessible to the public.

Thank you.

Respectfully Submitted,

Rose Ottum, President  
Wisconsin Register of Deeds Association



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October 4, 2007

TO: State Representative Garey Bies, Chair of the Assembly Committee on Corrections and Courts

FR: Attorney General J.B. Van Hollen

CC: The Honorable Members of the Assembly Committee on Corrections and Courts

RE: 2007 Assembly Bill 418

Dear Representative Bies and Committee Members:

As Attorney General, I have special responsibility for interpreting and enforcing the public records law. As the state's chief law enforcement official, I have a unique interest in ensuring the proper functioning of the criminal justice system. In that capacity, I am writing in opposition to Assembly Bill 418, which would exclude the general public from accessing information about court proceedings now available over the Internet absent special permission granted by government agents. I believe that the proposed legislation would unnecessarily burden public access to public information while simultaneously creating substantial additional obligations on public officials in the justice system who play key roles in the proper functioning of the criminal justice system.

It is "the public policy of this state that *all persons* are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them."<sup>1</sup> This policy is a recognition that "representative government is dependant on an informed electorate."<sup>2</sup> Records of court proceedings are not an exception to this policy. Indeed, the public nature of criminal proceedings has long been recognized as an essential component of liberty.<sup>3</sup>

The Wisconsin Circuit Court Access ("WCCA") program—records compiled by the consolidated court automated programs ("CCAP") and made available on the Internet—is a model for the distribution of public information. It furthers the state's strong public policy in favor of public access to information. Using WCCA, information can be gathered nearly instantaneously, and without direct cost. Significantly, WCCA "contain[s] information from

<sup>1</sup> Wis. Stat. § 19.31 (public records law) (emphasis added).

<sup>2</sup> *Id.*

<sup>3</sup> U.S. Const. Amend. VI (guaranteeing individuals public trials); Wis. Const. art. I, sec. 7 (same); *In re Oliver*, 333 U.S. 257, 266-272 (1948) (discussing history of and policy supporting public trials).